

**WESTERN MICHIGAN UNIVERSITY**

**STUDENT CODE**

Approved by  
The Western Michigan University Board of Trustees  
April 23, 1999

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Division of Student Affairs  
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## A UNIVERSITY COMMUNITY IS...

...a purposeful community...

A place where faculty and students share academic goals and work together to strengthen teaching and learning on campus.

...an open community...

A place where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed.

...a just community...

A place where the sacredness of each person is honored and where diversity is aggressively pursued.

...a disciplined community...

A place where individuals accept their obligations to the group and where well-defined governance procedures guide behavior for the common good.

...a caring community...

A place where the well-being of each member is sensitively supported and where service to others is encouraged.

...a celebrative community...

One in which the heritage of the institution is remembered and where rituals affirming both tradition and change are widely shared.

*Campus Life: In Search of Community.* The Carnegie Foundation for the Advancement of Teaching; Ernest L. Boyer (frwd.); Princeton, New Jersey; 1990

## **WESTERN MICHIGAN UNIVERSITY CODE OF HONOR**

Western Michigan University (WMU) is a student-centered research university that forges a responsive and ethical academic community. Its undergraduate, graduate, and professional programs are built upon intellectual inquiry, investigation, discovery, an open exchange of ideas, and ethical behavior. Members of the WMU community respect diversity, value the cultural differences of those around them, and engender a sense of social obligation. Because of these values, all individuals are expected to conduct themselves in a professional and civil manner. This includes exemplifying academic honesty, integrity, fairness, trustworthiness, personal responsibility, respect for others, and ethical conduct. These attributes are exhibited in the University setting as well as in the community. Members of the University community abide by this code out of commitment to serve as responsible citizens of the University, the community, the nation, and the world. Responsibility for fulfilling the obligations of the code of honor is shared by the students, faculty, and every other member of the University community.

*Statement approved in 2005 by the Western Michigan University Faculty Senate  
and Provost and Vice President for Academic Affairs*

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# WESTERN MICHIGAN UNIVERSITY

## STUDENT CODE

### STUDENT RIGHTS

#### **Basic Rights:**

*As provided by University policy or by law:*

Students have the right to free inquiry, expression, and association.

Students should be free from discrimination and harassment based on race, sex, sexual orientation, age, color, national origin, religion, disability, marital status, or family status.

Students should be secure in their persons, living quarters, papers, and effects.

Students are protected against improper disclosure of, and access to, education records as provided for in the Family Education Rights and Privacy Act of 1974.

Students are free to participate in the governance of the University through membership in appropriately designated University and college committees.

Students have the right to access their personal records and other University files as provided for under the Michigan Freedom of Information Act.

#### **Academic Rights and Responsibilities:**

*Students have those academic rights and responsibilities as described in the University catalogs, including but not limited to the following:*

Student performance will be evaluated solely on academic criteria.

Students have protection against prejudiced or capricious academic evaluation.

Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Students will be informed by the faculty about course requirements, evaluation procedures, and the academic criteria to be used in each class. This information will be provided at the beginning of the semester or sufficiently in advance of actual evaluation.

Students can expect to be treated civilly by others and in turn they are expected to demonstrate civility toward others.

## **Article I: General Provisions and University Mission Statement**

Western Michigan University is a student-centered research university, building intellectual inquiry, investigation, and discovery into all undergraduate, graduate, and professional programs. The University provides leadership in teaching, research, learning, and public service. Nationally recognized and internationally engaged, the University:

- Forges a responsive and ethical academic community
- Develops foundations for achievement in pluralistic societies
- Incorporates participation from diverse individuals in decision making
- Contributes to technological and economic development
- Engenders an awareness and appreciation of the arts

The Student Code and the Office of Student Conduct are tangible examples that illustrate commitment to these ideals. The Student Code describes the boundaries of acceptable student behavior and is approved by the Board of Trustees. The Office of Student Conduct interprets and enforces the Student Code.

A student who chooses to enroll at Western Michigan University assumes the obligation for conduct that is compatible with the University's mission as an educational institution. While students have the privilege to enroll at the institution of their choice, choosing to enroll at Western Michigan University requires a student to become aware of, and abide by the behavior standards of the University. Ignorance of acceptable boundaries of student behavior as contained in the Student Code is not a basis for excusing inappropriate behavior.

The University conduct process is not analogous to, is not equivalent to, and does not conform to, criminal law processes. This process is designed, in part, to determine responsibility, or lack thereof, for violations of the Student Code only -- not guilt or innocence relative to criminal matters. The University conduct process shall be informal in nature so as to provide substantial justice and it shall not be bound by the same proceedings, definitions, or rules which apply in the courts of law.

The conduct of students in the educational community is a part of the teaching process and as such, its focus shall primarily be educational. This includes the possible use of suspension or expulsion as conduct sanctions as they may prove invaluable tools in the education of students in the University community. The student conduct system is not only concerned with the individual student's welfare, but also the welfare of the University community. Any question about the processes, rules, or policies, or any other concern not specifically covered by the Student Code, shall be decided solely by the Vice President for Student Affairs (VPSA)/Dean of Students/or designee. Additionally, the Student Code provisions may be extended or amended to apply to new and unanticipated situations which may arise.

Enrollment in the University does not insulate students from their obligation to behave in a manner consistent with local, state, and federal law. Violation of local, state, and/or federal law while on University premises may also constitute a violation of the Student Code. Some of the policies referred to in the Student Code may also constitute violations of local, state, or federal law and carry the possibility of criminal prosecution or civil legal action.

While the University does not desire to act as an authority for the activities of students off of University premises, the University may take appropriate action in situations involving misconduct demonstrating flagrant disregard for any person or persons, and/or when a student's or student organization's behavior is

judged to threaten the health, safety, and/or property of any individual or group even when the misconduct occurs off of University premises.

While any violation of the Student Code is considered a serious matter, certain violations are considered to be especially egregious. These violations include acts of academic misconduct, any act that disrupts the functions of the University, and any act that threatens the health, safety, or property of any member of the University community or any other person. Students involved in these activities are considered a threat to the orderly functioning of the University and their behavior is considered detrimental to the educational mission.



## Article II: Definitions

1. The term "University" means Western Michigan University.
2. The term "student" or "students" includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw from WMU after a charge for an alleged violation of the Student Code has been determined, or who are not officially enrolled for a particular term, are considered "students". "Students" also include those persons who are not officially enrolled for a particular term but who have a continuing relationship with the University as a student. The Student Code does apply at all campuses/study centers affiliated with the University.
3. The term "faculty member" means any person hired by the University to conduct teaching activities, research, or who is otherwise considered by the University to be a member of its faculty.
4. The term "academic misconduct" relates to academic integrity, and policies and procedures that are outlined in the University Undergraduate and Graduate Catalogs.
5. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
6. The term "member of the University community" includes any person who is a student, faculty member, University official, any other person employed performing services for the University, and those persons who are utilizing University resources through a contractual or other authorized relationship with the University. A person's status in a particular situation and whether the Student Code applies to that person shall be determined by the VPSA/Dean of Students/or designee.
7. The term "University premises" includes all land, buildings, facilities, and other property (including adjacent streets and sidewalks) owned, used, controlled by, or in the possession of the University.
8. The term "registered student organization" or "organization" means any number of persons who have complied with the formal requirements for University recognition.
9. A "computer facility" is any place where the University makes one or more computers or one or more computer hook-ups available.
10. The term "conduct body" means any person or persons authorized to facilitate the conduct process to determine whether a student has violated the Student Code. The "conduct body" is authorized to recommend and/or determine sanctions that may be imposed when a violation of the Student Code has occurred.
11. A separate process authorized by the VPSA/Dean of Students/or designee, as outlined in the Registered Student Organization Handbook (RSO), will govern cases involving allegations against Registered Student Organizations or "Organizations" for the purposes of determining possible violations of the RSO Handbook and continued recognition as campus organizations.
12. A "sanction" is the result of a finding of responsibility for a violation of the Student Code. Sanctions may be used in combination or separately. Sanction determination is based on the severity of the current offense, and/or previous offenses (if any), and/or the current conduct status of the student found responsible, and/or the threat to the health, safety, property of any person, and/or any other reasonable factor. Student Code sanctions are in addition to sanctions that can be imposed in other University forums such as, but not limited to, the Division of Intercollegiate Athletics or employment situations.

13. The term “Appeals Board” means the group of persons authorized to consider an appeal of cases that resulted in a sanction of suspension or expulsion.
14. The term “Appeal Officer” means the individual authorized by the VPSA/Dean of Students/or designee, on a case by case basis, to consider appeals from cases that result in a sanction(s) other than suspension or expulsion.
15. An “appointment” is any meeting (except a hearing) between a member of the Office of Student Conduct staff/Residence Life staff/or designee and one or more students to discuss a conduct case. Students are required to attend appointments.
16. A “conduct hearing” is the culminating meeting where all information deemed pertinent by the conduct body is heard. Final determinations as to responsibility, or lack thereof for violations of the Student Code, are the result of deliberations based on the information presented in the conduct hearing. Students may, but are not required, to attend conduct hearings.
17. The term “complainant” means a person who makes a complaint about an alleged violation of the Student Code by a WMU student.
18. The term “respondent” means a student who, based on their behavior, could be in violation of policy outlined in the Student Code.
19. The term “information” means documentation submitted to staff in the Office of Student Conduct/or designee, that could be the basis for a formal charge of an alleged violation of the Code as determined by the appropriate staff in the Office of Student Conduct/or designee.
20. A conduct “charge” is determined by appropriate staff in the Office of Student Conduct/or designee based upon a complaint that has been brought forward. Cases involving a conduct charge will be processed according to the guidelines in the Student Code.
21. The term “shall” is used in the imperative sense.
22. The term “may” is used in the permissive sense.
23. The term “policy” is defined as the written regulations of the University as found in, but not limited to, *The Student Code, the Residence Hall Community Living Expectations, the Registered Student Organization Handbook, the University Computing Guidelines, The Western Michigan University Undergraduate and Graduate Catalogs, the Sexual and Gender-Based Harassment and Violence, Intimate Partner Violence, and Stalking Policy* and applicable policies enacted by the Board of Trustees or other authorized University official.

### **Article III: Conduct Authority**

1. The appropriate staff in the Office of Student Conduct/or designee, shall determine the composition of conduct bodies, provide training, determine which conduct body shall be authorized to hear each case, and impose sanctions consistent with stated guidelines within the Student Code.
2. The appropriate staff in the Office of Student Conduct/or designee, shall develop policies for the administration of the conduct program and procedural rules for the conduct hearings that are consistent with provisions of the Student Code.
3. There may be one or more Student Conduct Boards constituted to hear cases of alleged violations of the Student Code. Student Conduct Boards shall be selected, trained and advised by the appropriate staff in the Office of Student Conduct or/designee. The selection process of Student Conduct Board members shall involve input by students.
4. A conduct body may be designated as mediator of disputes within the student community in cases that do not involve a violation of the Student Code. All parties must agree to mediation, and are bound by the decision with no right of appeal.
5. Decisions made by a conduct body are final pending the normal hearing process.

## Article IV: Proscribed Conduct

### A. Jurisdiction of the University

Generally, the Student Code shall apply to conduct which occurs on University premises and at University sponsored activities. The University may take action in off-campus situations involving flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its objectives. The appropriate staff in the Office of Student Conduct/or designee, shall decide, on a case by case basis, whether the Student Code shall be applied to conduct occurring off-campus. The Student Code shall apply to a student's conduct even if the student withdraws from the University while a conduct matter is pending. The Student Code does apply at Western Michigan University branch and overseas campuses. In the event a Student Code violation occurs at a location off of University premises, it may not be feasible or practical to follow the procedures outlined in this Student Code. Therefore, the University reserves the right to take those actions which are necessary for the safe and orderly maintenance of its programs and relationships with others.

### B. Conduct Policies

Any student found to have committed the following misconduct is subject to conduct sanctions outlined in Article IV:

1. **Academic misconduct** – Including but not limited to the following: Cheating, fabrication, falsification, forgery, multiple submission, plagiarism, complicity, or other forms of academic dishonesty. (These violations are defined by the academic community, recommended by the Faculty Senate, adopted by the Board of Trustees and are described in the Undergraduate and Graduate catalogs. The procedures for adjudicating this type of violation are also contained in the academic catalogs.)
2. **Alcohol use or possession** – Including but not limited to public intoxication, use, possession, manufacturing or distribution of alcoholic beverages except as expressly permitted by law and University regulations.
3. **Credit card misuse** – The unauthorized use of another's credit card, debit card, charge card, secured card, smart card or any other instrument of credit.
4. **Dishonesty** – Including but not limited to the following:
  - a. Furnishing false information to any University official, faculty member, or office.
  - b. Forgery, alteration, or misuse of any University document, record, account, computer account, or instrument of identification.
  - c. Tampering with an election conducted by any Western Michigan University Registered Student Organization.
  - d. Acting as an agent of the University without authorization.

- e. Furnishing false information to a law enforcement officer(s) acting in accordance with their duties
5. **Disruptive behavior** – Behavior by any student, in class or out of class, which for any reason materially disrupts the class work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the University. This includes, but is not limited to the following:
- a. Disruption, or interference which impedes, impairs or obstructs teaching, research, administration, conduct proceedings, other University missions, processes, or functions including public-service functions or other authorized University or non-University activities when the conduct occurs on University premises.
  - b. Participation in a campus demonstration which disrupts the normal operation of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; or intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus or other University property.
  - c. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
  - d. Conduct which is disorderly; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in, by the University or members of the academic community.
  - e. Instances where a student engages, or threatens to engage, in behavior which poses an immediate danger of causing physical harm to others; or
  - f. Instances which cause significant property damage, or would directly and substantially impede the lawful activities of others; or
  - g. Instances where a student's behavior disturbs normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process and/or the orderly operation of the University.
6. **Drug possession or use** – Use, possession, exchange, manufacturing, or distribution of marijuana, heroin, narcotics, other controlled substances and/or paraphernalia, except as expressly permitted by law.

The Michigan Medical Marijuana Act of 2008 (MMMA) notwithstanding, WMU is subject to the Federal Drug-Free workplace Act of 1988 and the Federal Drug-Free Schools and Communities Act amendment of 1989, both of which prohibit controlled substances on campus, including marijuana. **The use or possession of medical marijuana is not permitted anywhere on WMU's campus.**

7. **Entry or use** – Entry into or use of University premises or property, or remaining in any area on University premises which is unauthorized or any entry into or use of private property which is unauthorized.
8. **Failure to comply** – Failure to comply with direction of University officials or law enforcement officers acting in performance of their duties.
9. **Fire or safety equipment misuse** – Tampering with or misuse of fire or any other safety equipment, or disregarding, circumventing, or disabling any security or safety device or system.
10. **Hazing** – Any act which endangers the mental or physical health or safety of a person, embarrasses, frightens, or degrades a person or which destroys or removes public/private property, for the purpose of initiation, admission into, or affiliation with, or as a condition for continued membership, in a group, organization/team. The expressed or implied consent of the alleged person against whom the actions have been taken will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
11. **Identification misuse** – The use of another person's identity, password, identification number, University identification card or any other identification card; or assisting another to misuse any identity, password, identification number, University identification card or any other identification card.
12. **Conduct system abuse** – Including but not limited to:
  - a. Failure to set up and/or attend an appointment when directed to do so by a University official.
  - b. Falsification, distortion, or misrepresentation of information before a conduct body.
  - c. Disruption or interference with the orderly conduct of a conduct proceeding.
  - d. Initiation of a conduct proceeding when one knows or reasonably should have known that the proceeding was without cause.
  - e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
  - f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body, complainant, or witness, prior to, during, and/or after a conduct proceeding.
  - h. Failure to comply with the sanction(s) imposed under the Student Code. A student who fails to complete any sanctions imposed upon her/him by the deadline imposed by the conduct body, is not eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until she/he complies with the terms of the original sanctions and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner.

- i. Influencing or attempting to influence another person to commit an abuse of the conduct system.
13. **Obscene or harassing communication** – including but not limited to: Making obscene or harassing telephone calls, sending obscene or harassing letters, email, or using any medium to communicate in an obscene or harassing manner.
- a. **Bullying / Cyber-bullying** – Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment). This includes but is not limited to: creating web pages with a negative focus; posting insults on social networking sites; and/or spreading rumors with malicious intent.
14. **Physical or verbal misconduct** – Unwanted physical contact, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health, well-being, or safety of any person.
15. **Sexual misconduct** – Please see the Western Michigan University Sexual and Gender-Based Harassment and Violence, Intimate Partner Violence, and Stalking Policy at [www.wmich.edu/sexualmisconduct](http://www.wmich.edu/sexualmisconduct) for information regarding sexual misconduct complaints and their resolution
16. **Telecommunication process/procedure misuse** – The unauthorized use of another person’s cell phone, phone card, , or the unauthorized acceptance of collect telephone calls.
17. **Unauthorized use/destruction/defacing of property** – Attempted or actual removal of, use of, and/or damage to property of the University or property of another or the removal of other personal or public property without proper authorization. Leaving or placing unauthorized materials on University property or defacing University property is also prohibited.
18. **Unauthorized use or other abuse of University computing resources** – including but not limited to the following:
- a. Any attempt to breach or the actual breach of network or computer security.
  - b. Unauthorized entry into a file to use, read, delete, or change the contents, or for any other purpose.
  - c. Unauthorized copying or distribution of copyrighted computer software or other materials.
  - d. Unauthorized transfer of a file.
  - e. Use, or attempted use, of another person’s identification and/or password or assisting another to misuse any identification or password.
  - f. Use of computing facilities to interfere with the work of another student, faculty member, University official, or any other member of the University community.
  - g. Use of computing facilities to send obscene or abusive messages.

- h. Use of computing facilities to send unauthorized mass emailing or chain mail.
  - i. Use of computing facilities to interfere with normal operation of any University computing system network.
  - j. Use of computing facilities/resources to violate any campus policy or rule to violate any local, state or federal law. (see <http://www.wmich.edu/oit/>) for a complete description of all computing policies.)
19. **Unauthorized key possession or use** – Unauthorized possession, duplication, or use of keys, key cards, or other access or security devices.
20. **Unauthorized posting** – Placing of notices, posters, signs, handbills, etc. anywhere on University premises and/or through university resources without proper authorization.
21. **Violation of the law** – Violation of federal, state, or local law on University premises or at University sponsored or supervised activities or that which is in the jurisdiction of the University.
22. **Violation of University policy** – Violation of any University policy, rule or regulation published in hard copy or available electronically via the University website; and/or any attempt to commit prohibited activities defined herein; and/or enticing or inciting others to commit prohibited activities defined herein, and/or conspiring to perform any prohibited activities defined herein; and/or any other conduct which adversely affects the student’s suitability as a member of the University community.
23. **Weapon possession or use** – Western Michigan University is a weapon free school. By order of the Board of Trustees “no person shall possess on university property any firearms or other dangerous weapons with the exception of police officers, transfer agents licensed to carry weapons and persons using any such weapons for class instruction when authorized by the dean of the appropriate college” (Approved June 11, 1971). The possession, use or storage of weapons is prohibited on University owned or controlled premises and at University sponsored events without authorization from the appropriate University official. Using or possessing a weapon, even with proper authorization, in a manner that harms, threatens or causes fear in others, or is otherwise in violation of the Weapons on Campus Policy contained in the Registered Student Organization Handbook, is also prohibited. Prohibited weapons include, but are not limited to, the following:
- Any firearm either long gun or handgun, or any device which fires any type of projectile using gunpowder as a propellant.
  - Any bb or pellet gun, or device that fires a projectile using compressed air, CO<sub>2</sub>, or other gas as a propellant. This includes “airsoft” and paintball guns.
  - Edged weapons including any folding or fixed blade knives, daggers, dirks, swords, axes, machetes, bows and arrows, or any other sharp object fashioned or used as such objects.
  - Martial arts devices such as nun chucks, bokken, throwing stars, throwing knives, bow staffs, sai, tonfas, or any other device considered a dangerous weapon.
  - Stun gun or taser, or any device that produces electrical current intended to disable or injure a person either permanently or temporarily.
  - Any device made specific, crafted, or used with the intended purpose of causing harm to a person.
    - Kitchen knives are permitted as long as they are used for the intended culinary purposes.
    - Pepper spray or any chemical irritant that contains 10% or less of oleoresin capsicum is permitted on campus property



### C. Violation of Law and University Conduct

1. University conduct proceedings may be instituted against a student charged with violation of a law, which may also constitute a violation of the WMU Student Code. Proceedings under the WMU Student Code may be carried out prior to, simultaneous to, or following civil or criminal proceedings off-campus at the sole discretion of the appropriate staff in the Office of Student Conduct/or designee. Conduct proceedings will be carried out independent of any off-campus proceedings. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor or against the criminal law defendant.
2. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of the WMU Student Code, conduct action may be taken and sanctions imposed. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law, has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or *nolo contendere*) or where a conviction results from plea bargaining which is accepted by the court of competent jurisdiction.
3. When federal, state, or local authorities charge a student with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed through the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community.

The University is committed to cooperating fully with law enforcement and other agencies in the enforcement of violations of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions.) Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

## Article V: Conduct Hearings

Any member of the University community may provide information to the Office of Student Conduct regarding an alleged violation(s) of the Student Code by a WMU student. The information shall be presented in writing and directed to the appropriate staff in the Office of Student Conduct/or designee. Information should be submitted as soon as possible after the event takes place, preferably within five University business days.

The appropriate staff in the Office of Student Conduct may conduct an investigation to determine if the information has merit and/or if the situation can be resolved administratively by mutual consent of the parties involved on a basis acceptable to the appropriate staff in the Office of Student Conduct. Such resolution shall be final and there shall be no subsequent proceedings. If the situation cannot be resolved by mutual consent, the appropriate staff in the Office of Student Conduct/or designee, may later serve in the same matter as the conduct body or a member thereof. If the student admits responsibility for violating University policies, but sanctions are not agreed to, subsequent processes, including a hearing if necessary, shall be limited to determining the appropriate sanctions.

Any formal charge(s) that result from information brought to the Office of Student Conduct shall be presented to the respondent in written form by a conduct body. Cases that are likely to result in suspension or expulsion shall be heard no sooner than 24 hours after notice to the student. All other cases shall be dealt with in a more informal manner and may be heard simultaneously with notice.

Complaints under the Western Michigan University Sexual and Gender-Based Harassment and Violence, Intimate Partner Violence, and Stalking Policy ([www.wmich.edu/sexualmisconduct](http://www.wmich.edu/sexualmisconduct)), will be reviewed using the process described in the policy.

Hearings shall be conducted by a conduct body according to the following guidelines:

- a. The appropriate staff in the Office of Student Conduct/or designee shall decide hearing type for each case.
- b. When the choice is made to use a member within the Office of Student Conduct/or designee to hear a case, the conduct body may be expanded, at the sole discretion of the appropriate staff in the Office of Student Conduct, to a total of either three or five members, with the staff member from the Office of Student Conduct staff/or designee, serving as chairperson.
- c. Hearings shall be closed to the public.
- d. Admission of any person to the hearing shall be at the discretion of the appropriate staff member in the Office of Student Conduct/or designee.
- e. In cases involving more than one respondent, the hearing concerning each student may be conducted separately or together. This determination will be made solely at the discretion of the appropriate staff member in the Office of Student Conduct/or designee.
- f. The complainant and the respondent may be assisted by one support person of their own choosing and at their own expense. Support persons are not permitted to speak or to participate directly in

any hearing before a conduct body. All communications related to the case (before, during and after a hearing) shall be directed to the respondent and not to any support person.

- g. The complainant and the respondent shall provide the hearing body with a written list of witnesses or any support person at least 24 hours in advance of the hearing.
- h. The complainant, the respondent, and the conduct body, shall have the privilege of presenting witnesses. Witnesses are subject to questioning in an appropriate manner by the complainant, the respondent, and the conduct body.
- i. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a conduct body at the sole discretion of the appropriate staff within the Office of Student Conduct/or designee.
- j. All procedural questions are subject to the final decision of the chairperson of the conduct body.
- k. After the hearing, the conduct body shall determine (by majority vote if the conduct body consists of more than one person) if the respondent is/is not responsible for violation of each section of the Student Code for which the student is charged.
- l. The conduct body's determination shall be made on a preponderance of evidence.
- m. There may be a single verbatim record, such as a digital recording, of hearings before a conduct body. This record shall be the property of the University.
- n. Except in the case of a student charged with failing to set up or keep an appointment with a staff member in the Office of Student Conduct/or designee, no student may be found to have violated the Student Code solely because the student failed to attend a conduct hearing. In all cases, the evidence in support of the charges shall be presented and considered. The failure of a student to appear shall not preclude a hearing from proceeding.

#### **A. Sanctions**

- 1. The following sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. More than one of the sanctions may be imposed for any single violation; chronic and/or multiple violations shall increase the severity of sanctions applied. Sanctions are listed in order of severity from least severe to most severe.
- 2. Sanction determination shall be based on the severity of the current conduct violation, and/or previous conduct violations (if any), and/or the current conduct status of the student found responsible, and/or the threat to the health, safety or property of any person, and/or any other reasonable factor. Sanctions shall be determined as a discrete and separate part of the hearing process and only after a finding of responsibility has been reached.
- 3. Where there is reason to believe that a student has intentionally selected a person or persons to victimize or selected property to damage, or violated other provisions of the Student Code because of the personal characteristics or status of a person or group of persons or personal characteristics or status of the owner(s) or occupant(s) of any property, sanctions may be increased. These

characteristics include, but are not limited to: race, creed, disability, color, religion, national origin, gender, age, marital status, sexual orientation, gender identity/expression, public assistance status, inclusion in any group or class protected by state or federal law or university policy. Intent shall be determined by consideration of all relevant circumstances.

4. Any student who fails to complete any sanctions given to her/him by the deadline stated by the conduct body is not eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until he/she complies with the terms of the original sanctions and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner.
  - a. **Warning:** verbal or written notice that specific inappropriate conduct is unacceptable.
  - b. **Reprimand:** An official written censure containing three components. A reprimand for inappropriate behavior, notice that the conduct associated with the violation must stop immediately and permanently, and notice that additional violations shall result in more severe sanctions.
  - c. **Behavior Contract:** A written contract between the student and the University wherein the student agrees to correct inappropriate behaviors.
  - d. **Discretionary Sanctions:** Service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate by the conduct body. The student is required to submit written proof of participation in and/or completion of the sanction to the conduct body. (Some seminars, classes, and workshops may require a registration fee.)
  - e. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples of privileges that can be denied include: academic program dismissal, campus registration of an automobile, parking in a specific area or during specific time periods, access to a building or portion of a building, access to a program, on-campus living, holding of an office in a Registered Student Organization, participation in extra-curricular activities, access to a particular living group and any other privilege that the conduct body deems appropriate to deny.
  - g. **Probation:** Probation requires that a student's conduct be reviewed for a specified period of time. Conditions of the probationary period will be specified to the student by the hearing body and may be applied during the probationary period. All conditions must be satisfied and verified prior to the completion of the probationary period. If a student is found responsible for violation of any institutional policy(s) during the probationary period, more severe sanctions could be applied.

- h. **Suspension:** Separation of the student from the University or a University program for a period of time, after which the student is eligible to return. During this time, the student under suspension shall forfeit all rights of their student status for the duration of their suspension and may have their privileges of access to University premises revoked. Conditions for readmission and/or continued enrollment after readmittance may be specified. All conditions for readmission must be satisfied, completed and certified to the Office of Student Conduct/or designee prior to readmittance. Also, a written plan for adherence to conditions of continued enrollment after readmittance from a suspension shall be provided to the Office of Student Conduct/or designee for review and approval.
  - i. **Expulsion:** Permanent separation of the student from the University. An expelled student shall have no access to University premises and shall forfeit all rights of their student status immediately and permanently upon expulsion.
  - j. **Revocation of degree:** A degree awarded from WMU may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumna is sufficient association with the University and basis for application of this sanction.
  - k. **Withholding degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.
5. Sanctions listed above in Section A4, a through k, may be imposed upon groups or organizations.
6. In each case in which a conduct body determines that a student is responsible for violation of the Student Code, the sanction(s) shall be determined and imposed by the appropriate staff member in the Office of Student Conduct/or designee. In cases in which persons other than, or in addition to, staff in the Office of Student Conduct have been authorized to serve as the conduct body, the recommendation of all members of the conduct body shall be considered by the appropriate staff in the Office of Student Conduct/or designee in determining and imposing sanctions. The appropriate staff in the Office of Student Conduct/or designee will not be limited to sanctions recommended by members of the conduct body. Following the hearing, the appropriate staff in the Office of Student Conduct/or designee shall advise the respondent in writing of the outcome and sanction(s) imposed, if any.

## **B. Conduct Records/Files**

Individual conduct files that contain cases that have resulted in the sanction of suspension or expulsion shall be kept permanently on file. All other individual files shall be kept for seven years after any sanctions expire unless they are expunged (as described below.) Students may request to have their conduct record expunged under the conditions listed below. Expungement shall be at the sole discretion of the appropriate staff in the Office of Student Conduct and shall require the entire record to be expunged or none of it to be expunged (i.e. no partial expungement shall be allowed). Conditions include:

1. Application for expungement shall occur only upon completion of all degree requirements and attainment of a degree.
2. Expungement may occur only for students who have sanctions other than suspension or expulsion and whose violations were determined not to have threatened or endangered the health or safety of any person. Records for a student(s) who has been suspended or expelled are not eligible for expungement.
3. Expungement decisions shall be made based on obvious long-term improvement in behavior, or lack thereof, (e.g., no violations of the student code for two or more consecutive semesters prior to graduation), and/or demonstration, or lack thereof, of cooperation in previous student conduct matters, and/or any other reasonable factor.

## **C. Interim Suspension**

In certain circumstances, the VPSA/Dean of Students/or designee, may impose a University suspension prior to a hearing before a conduct body or investigation.

1. Interim suspension may be imposed only in:
  - a. Instances where a student engages, or threatens to engage, in behavior which poses an immediate danger of causing physical harm to others; or
  - b. Instances which cause significant property damage, or would directly and substantially impede the lawful activities of others; or
  - c. Instances where a student's behavior disturbs normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process and/or the orderly operation of the University.
2. During the interim suspension, students shall be denied access to University housing and/or campus (including classes) and all other University activities or privileges for which the student might otherwise be eligible, as the VPSA/Dean of Students/or designee may determine to be appropriate.
3. Students placed on interim suspension are entitled to a subsequent hearing within a reasonable time period.
4. A student shall remain suspended until all appeals are exhausted, or the appeal deadline is passed or the VPSA/Dean of Students/or designee determines otherwise.

## D. Voluntary Assessment, Involuntary Assessment

In the following circumstances a voluntary or involuntary assessment can be requested:

1. Instances where a student engages, or threatens to engage, in behavior which poses a danger of causing physical harm to others; or
2. Instances which cause significant property damage, or would directly and substantially impede the lawful activities of others; or
3. Instances where a student's behavior disturbs normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process and/or the orderly operations of the University.

### Direct Threat

In determining whether an individual poses an imminent danger or a direct threat to the health or safety of others, the University will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

#### A. Voluntary Assessment

When a student is referred to the VPSA/Dean of Students/or designee based on behavior listed in Section D, #1-3, the student is required to meet with the VPSA/Dean of Students/or designee as requested. The VPSA/Dean of Students/or designee may include in this meeting staff from Western Michigan University's Counseling Services/Sindecuse Health Center or other units as appropriate. If, based on the content of the discussion, the student agrees to have an assessment; the VPSA/Dean of Students/or designee shall designate/refer the student to qualified professionals (licensed psychologist, counselor, psychiatrist, and/or physician) for assessment. The University will incur the cost for the assessment. The licensed professional is empowered by these regulations to share general information and the outcome of the assessment with the VPSA/Dean of Students/or designee and/or the Early Intervention Team (EIT). The minimum necessary information will be disclosed and will be held by the VPSA/Dean of Students/or designee and/or the EIT in confidence and will be shared only with those University employees with a legitimate need to know. The student may not be accompanied by anyone during the evaluation.

The licensed psychologist, counselor, psychiatrist, and/or physician shall evaluate the student to determine if there are serious concerns associated with the student's behavior. The licensed psychologist, counselor, psychiatrist, and/or physician shall advise the VPSA/Dean of Students/or designee of the outcome of the evaluation as a result of the assessment. The VPSA/Dean of Students/or designee may consult the (EIT), or other internal/external advisors.

The VPSA/Dean of Students/or designee shall be the sole decision maker as to the composition of this committee. The student may be requested to appear before the EIT. VPSA/Dean of Students/or designee will notify the student in writing. If the VPSA/Dean of Students/or designee determines that the student poses an imminent danger or a direct threat to the health or safety of others, she/he may recommend an immediate interim suspension.

## B. Referral for an Involuntary Assessment

The VPSA/Dean of Students/or designee shall be empowered to make referrals for an involuntary assessment when students engage in behaviors listed in section D, #1-3. Students referred for an involuntary assessment shall be informed in writing, and the student shall also be given a copy of these procedures. Delivery of these documents will be either by personal delivery or by certified mail with return receipt requested and delivery restricted to the student only.

The VPSA/Dean of Students/or designee shall designate/refer the student to qualified licensed professionals (licensed psychologist, counselor, psychiatrist, and physician). The licensed psychologist, counselor, psychiatrist, and physician is empowered by these regulations to share general information and the outcome of the assessment with the VPSA/Dean of Students/or designee and/or the EIT. The University will incur the cost for the assessment. The licensed professional is empowered by these regulations to share general information and the outcome of the assessment with the VPSA/Dean of Students/or designee and/or the EIT. The minimum necessary information will be disclosed and will be held by the VP/Dean of Students and/or the EIT in confidence and will be shared only with those University employees with a legitimate need to know. The student may not be accompanied by anyone during the evaluation. The assessment of the student must be initiated according to the deadline stipulated in the letter and completed within three university business days unless an extension is granted by the VPSA/Dean of Students/or designee.

## C. Return Requirements

Following a determination that a student poses a direct threat to the health or safety of others, Western Michigan University may require as a precondition to a student's return that the student provide documentation that the student has taken steps to mitigate the previous behavior (e.g., followed a treatment plan, submitted periodic reports, granted permission for the institution to talk to the treating professional).

## E. Appeals

1. The complainant and respondent have the right to appeal. Appeals shall be submitted to the Office of Student Conduct via the online form available at [wmich.edu/conduct](http://wmich.edu/conduct) within five University business days (regular business hours 8 a.m. – 5 p.m.) An appeal letter must meet two conditions: (1) cite the basis of the appeal from the options outlined below and (2) provide sufficient and detailed information to support the appeal. Failure to meet either or both of these conditions shall be sufficient cause to deny an appeal. The Chair of the Appeals Board for cases involving suspension or expulsion or the Appeal Officer for all other cases, in consultation with staff in the Office of Student Conduct, shall make the determination as to whether both conditions have been met.
2. In cases not involving suspension or expulsion, decisions of the Appeal Officer are final.
3. The Appeals Board shall review cases involving suspension and expulsion only. The board shall consist of one faculty member appointed by the Faculty Senate, one staff member appointed by the President's office, two undergraduate students, and one graduate student. Each shall serve a term of one calendar year and may be reappointed for subsequent terms. If appointees are unable to serve for any reason, the vacancy shall be filled immediately by the appropriate appointing body.



Appeals Board members must attend training seminars provided by the Office of Student Conduct as a condition of their initial and continued membership on the Board.

4. An Appeal Officer is appointed and authorized by the VPSA/Dean of Students/or designee to hear cases not involving suspension or expulsion as a sanction. An Appeal Officer may, at the sole discretion of the VPSA/Dean of Students/or designee, expand to a panel of a total of three people appointed by the VPSA/Dean of Students/or designee. The Appeal Officer shall be chairperson of the panel.
5. In cases involving suspension or expulsion, the decision of the Appeals Board may be appealed by the respondent or University to the Vice President for Student Affairs/or designee by submitting the online appeal form within five (5) University business days of receipt of the Appeals Board's decision.
6. The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new information). The following are the only accepted bases for appeal.
  - a. To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and present information that substantiates that the Student Code was violated, and giving the respondent a reasonable opportunity to prepare and present rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the actions of the respondent were based on sufficient information, that is, whether the facts in the case were sufficient to establish that it is more likely than not that a violation of the Student Code occurred and the student was responsible
  - c. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original hearing.
7. The Appeals Board, the Appeal Officer or the Vice President for Student Affairs/or designee may take any of the following actions in response to an appeal: choose not to review the case, which leaves the findings and sanctions from the previous level intact; review the case and uphold the findings and/or sanctions from the previous level; review the case and reverse a finding of responsibility for any or all charges; review the case and modify the sanctions (enhanced or lessened); review the case and require that it be heard again by the original conduct body.
8. Decisions made by a conduct body shall not be final until an appeal deadline is passed, when the appeal process is exhausted, or when a student chooses not to appeal. The appeal process shall be exhausted upon one review of the appeal by the appropriate appeal body.
9. Appeals regarding the resolution of complaints under the Western Michigan University Sexual and Gender-Based Harassment and Violence, Intimate Partner Violence, and Stalking Policy will be reviewed under the guidelines and procedures set forth in that policy.

## **Article VI: Interpretation and Revision**

1. Any question for interpretation regarding the Student Code shall be referred to the VPSA/Dean of Students/or designee for final determination.
2. The Student Code shall be reviewed every year and revised as needed under the direction of the appropriate staff in the Office of Student Conduct/or designee.

## **Appendices:**

### **Appendix A: Discrimination – Complaints and Grievance Procedure**

Western Michigan University, in accordance with the law, prohibits discrimination in the provision of all student instruction, activities, and programs. Discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, protected disability, veteran status, height, weight, or marital status shall not be tolerated in the determination of eligibility, participation, or grading for any courses or program established for the benefit of students unless otherwise provided by law.

Students who have inquiries about the University's Anti-Discrimination Policy or about anti-discrimination laws, including Title IX and the Rehabilitation Act of 1973, or who have complaints of prohibited discrimination, may file their inquiries and complaints with the Office of Institutional Equity, 1220 Adrian Trimpe Building (269)387-6316.

The Office of Institutional Equity will receive and investigate complaints of prohibited discrimination filed by students and may assist the students in resolving their concerns. The complaint, an oral allegation or charge against the University, an employee(s), or agent, stating prohibited discrimination has occurred, must be filed with the Office of Institutional Equity within 180 days of the alleged prohibited discrimination and/or harassment.

The finding from the factual investigation is reported to the complainant and the accused, as well as the appropriate University representatives (e.g., Office of Student Conduct). Additional University or other procedures may follow based on the finding. (OIE Sept. 2014)

### **Appendix B: Family Educational Rights and Privacy Act of 1974**

The Family Educational Rights and Privacy Act of 1974 is a Federal law which states that: (a) a written institutional policy must be established, and (b) a statement of adopted procedures covering the privacy rights of the students must be made available. The law provides that the institution will maintain the confidentiality of student education.

Western Michigan University accords all the rights under the law to students who are declared independent. No one outside the institution shall have access to, nor will the institution disclose any information from students' educational records without the written consent of the students, except to personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. All these exceptions are permitted under the Act.

Within the Western Michigan University community, only those members, individually or collectively, acting in the students' educational interest are allowed access to student educational records. These members include faculty, administration, clerical and professional employees, and other persons who manage student record information (e.g., Office of the Registrar, Academic Records Office, Controller, Financial Aid, and the Office of Admissions and Orientation).

At its discretion, the institution may provide Directory Information in accordance with the provisions of the Act to include: student name, address, telephone number, date and place of birth, curriculum and major field of study, dates of attendance, enrollment status (full/part time), degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams.

Students may withhold Directory Information by notifying the Academic Records Office in writing within the official drop-add period of each semester or session.

Western Michigan University has established administrative procedures necessary to accomplish and insure compliance with the Act, specifically including procedures permitting students to inspect and review their educational records and the opportunity for discussion or a hearing if a student challenges any materials in such records. These procedures are outlined in Western Michigan University's Undergraduate and Graduate Catalogs. The University Registrar is designated as the officer with responsibility for insuring University compliance with this law.

### **Appendix C: Tobacco Free Campus**

Western Michigan is dedicated to providing a healthy, comfortable, and productive environment for students, faculty, staff, guests and visitors in accordance with the Michigan Clean Indoor Air Act and the University's own directives and policies.

The use of tobacco products is only permitted in enclosed personal vehicles. The use of tobacco products is not permitted indoors or outdoors on any University property. Tobacco products are defined to include the following: cigarettes, electronic-cigarettes, cigars, bidis, snuff, snus, water pipes, pipes, hookahs, chew and any other non-combustible tobacco products.

Approval may be granted for limited tobacco use by an executive level committee consisting of the Provost, VP Business and Finance, the VP Student Affairs as well as consultation with the President. Approval will only be given for activities that are necessary in order to conduct essential University business. Exceptions will be reviewed on an annual basis.

### **Appendix D: Pets**

The following restrictions do not apply to animals assisting disabled persons. No student owning or having under their control any animal shall permit such animal to be brought upon the University property without having a leash suitably attached to the animal and with the leash held by the person responsible. Keeping animals, reptiles, or birds in University buildings, except when authorized, is a violation of this policy, and the animals are subject to impoundment.

### **Appendix E: Proper Use of University Name**

The name "Western Michigan University" ("WMU"), WMU insignias, signature, seal, athletic marks, etc. (collectively "WMU marks") belong to WMU. WMU marks may not be utilized in any fund-raising, advertising, marketing, promotional activity or other venture by any student organization, entity or individual without prior written approval from authorized University representatives. Unauthorized use shall subject the user to sanctions, including but not limited to those sanctions set forth in the Student Code and The Registered Student Organization Handbook.